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PTO/SB/30 (08-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/941,782
Filing Date	August 30, 2001
First Named Inventor	TAKASHI IWAKI ET AL.
Group Art Unit	2875
Examiner Name	P. Macchiarolo
Attorney Docket Number	03500.015730.

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114			
a. <input checked="" type="checkbox"/> Previously submitted			
i. <input type="checkbox"/> Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____ (Any unentered amendment(s) referred to above will be entered).			
ii. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____			
iii. <input checked="" type="checkbox"/> Other <u>Amendment After Allowance and Request For Consideration of Previously Cited Art</u> filed on <u>September 24, 2003</u>			
b. <input checked="" type="checkbox"/> Enclosed	12/15/2003	DTESSEM1 00000027 09941782	
i. <input checked="" type="checkbox"/> Preliminary Amendment	01	FC:1801	770.00 OP
ii. <input type="checkbox"/> Affidavit(s)/Declaration(s)			
iii. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)			
iv. <input type="checkbox"/> Other _____			
2. Miscellaneous			
a. <input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)			
b. <input type="checkbox"/> Other _____			
3. Fees	The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.		
a. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any deficiencies in the following fees, or credit any overpayments, to Deposit Account No. <u>06-1205</u>			
i. <input checked="" type="checkbox"/> RCE fee required under 37 C.F.R. § 1.17(e)			
ii. <input type="checkbox"/> Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)			
iii. <input checked="" type="checkbox"/> Other <u>Additional Claims Fee</u>			
b. <input checked="" type="checkbox"/> Check in the amount of \$ <u>770.00 (RCE fee) +208.00 (additional claims fee) = \$978.00</u> is enclosed			
c. <input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed)			

#### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	FRANK A. DeLUCIA	Registration No. (Attorney/Agent)	42,476
Signature		Date	December 9, 2003

#### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	FRANK A. DeLUCIA		
Signature		Date	December 9, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Director of the U.S.P.T.O., P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



For Application of:

TAKASHI IWAKI ET AL.

Application No.: 09/941,782

Docket No. 03500.015730

Filed: August 30, 2001

Examiner: P. Macchiarolo

For: ELECTRON-EMITTING DEVICE, ELECTRON SOURCE  
AND METHOD FOR MANUFACTURING IMAGE-  
FORMING APPARATUS

Date: December 9, 2003

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment in the above-identified application.

No additional fee is required.

The fee has been calculated as shown below

CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	* 86	MINUS	** 84	= 2	x \$9 \$18	\$36.00
INDEP. CLAIMS	* 6	MINUS	*** 4	= 2	x \$43 \$86	\$172.00
Fee for Multiple Dependent claims \$145°/\$290						
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT---						\$208.00

\* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

Verified Statement claiming small entity status is enclosed, if not filed previously.

A check in the amount of \$ 208.00 is enclosed.

Charge \$ \_\_\_\_\_ to Deposit Account No. 06-1205. A duplicate copy of this sheet is enclosed.

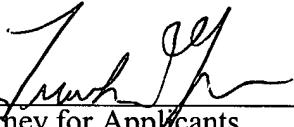
Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205. A duplicate copy of this paper is enclosed.

A check in the amount of \$ \_\_\_\_\_ to cover the fee for a \_\_\_\_\_ month extension is enclosed.

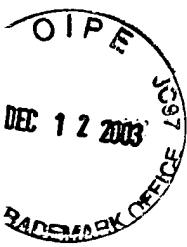
A check in the amount of \$ \_\_\_\_\_ to cover the Information Disclosure Statement fee is enclosed.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
\_\_\_\_\_  
Attorney for Applicants  
\_\_\_\_\_  
Registration No. 42-476

FITZPATRICK, CELLA, HARPER & SCINTO  
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Facsimile: (212) 218-2200



03500.015730

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
TAKASHI IWAKI ET AL. ) : Examiner: P. Macchiarolo  
Application No.: 09/941,782 ) : Group Art Unit: 2875  
Filed: August 30, 2001 ) :  
For: ELECTRON-EMITTING DEVICE, )  
ELECTRON SOURCE AND )  
METHOD FOR MANUFACTURING )  
IMAGE-FORMING APPARATUS : December 9, 2003

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Sir:

A Request for Continued Examination is being filed herewith. Preliminary to continued examination, please amend the above-identified application as follows.

The claims are listed beginning at page 2. The Remarks begin at page 9.

12/15/2003 DTESEM1 00000027 09941782

02 FC:1202 36.00 DP  
03 FC:1201 172.00 DP

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 9, 2003.  
(Date of Deposit)

FRANK A. DeLUCIA (REG. NO. 42,476)

(Name of Attorney for Applicant)

December 9, 2003

Signature

Date of Signature